

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LARRY G. PHILPOT.

CASE NO. C20-1564JLR

Plaintiff,

## ORDER

V.

PEMCO INSURANCE AGENCY  
INC.,

Defendant.

On March 15, 2021, the court ordered Plaintiff Larry G. Philpot to show cause why this action should not be dismissed for failure to comply with the service rules laid out in Federal Rule of Civil Procedure 4. (OSC (Dkt. # 8).) Mr. Philpot responded that he has not received a waiver of service from Defendant Pemco Insurance Agency Inc. (“Pemco”) but that he has been in contact with Pemco’s counsel regarding the possibility of settlement. (Resp. (Dkt. # 9) at 1-2.) Mr. Philpot also indicated that he learned the proper defendant is PEMCO Mutual Insurance Company and intends to file an amended

1 complaint naming the proper defendant. (*Id.* at 2.) Despite acknowledging that the  
2 deadline to effectuate service passed over two months ago and purporting to  
3 “immediately rectify this oversight,” (*id.* at 1-2), three weeks have passed, and Mr.  
4 Philpot still has not filed an amended complaint or proof of service, (*see* Dkt.).

5 Accordingly, the court ORDERS that Mr. Philpot file an amended complaint, or a  
6 filing explaining why an amended complaint is no longer necessary, within seven (7)  
7 days of the date of this order. The court further ORDERS Mr. Philpot to provide proof of  
8 service of the proper defendant within 30 days of the date of this order. Failure to  
9 comply with this order will result in dismissal without prejudice.

10 Dated this 16th day of April, 2021.

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13 JAMES L. ROBART  
14 United States District Judge  
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